

AN ACT

relating to business leave time for certain municipal firefighters and police officers.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Subchapter A, Chapter 142, Local Government Code, is amended by adding Section 142.014 to read as follows:

Sec. 142.014. BUSINESS LEAVE TIME ACCOUNT FOR FIREFIGHTERS IN CERTAIN MUNICIPALITIES. (a) This section applies only to firefighters employed by a municipality with a population of one million or more that has not adopted Chapter 174 and to which Chapter 143 does not apply.

(b) In this section:

(1) "Business leave" means leave taken for the purpose of attending to the business of an employee organization.

(2) "Employee organization" includes:

(A) the Dallas Fire Fighters Association;

(B) the Dallas Black Fire Fighters Association;

and

(C) the Dallas Hispanic Firefighters Association.

(c) If the constitution and bylaws of an employee organization authorize the employee organization to participate in the establishment and maintenance of a business leave time account as provided by this section, a firefighter who is a member of an

1 employee organization may donate not more than one hour of  
2 accumulated vacation or compensatory time for each calendar quarter  
3 to the business leave time account of the employee organization to  
4 which the firefighter belongs. The municipality shall establish  
5 and maintain a separate business leave time account for each  
6 employee organization that has approved or ratified the use of  
7 business leave time by its members under this section and has a  
8 specific provision in the constitution and bylaws of that employee  
9 organization.

10       (d) Only a firefighter who is a member of an employee  
11 organization may use for business leave purposes the time donated  
12 to the account of the employee organization. A firefighter may use  
13 for business leave purposes the time donated under this section  
14 without receiving a reduction in salary and without reimbursing the  
15 municipality.

16       (e) A request to use for business leave purposes the time in  
17 an employee organization's time account must be in writing and be  
18 submitted to the municipality by the president or the equivalent  
19 officer of the employee organization or by that officer's designee.

20       (f) The municipality shall grant a request for business  
21 leave that complies with Subsection (e) unless:

22               (1) denial of the request is necessary because of an  
23 emergency; or

24               (2) a grant of the request will result in having an  
25 insufficient number of firefighters to carry out the normal  
26 functions of the municipality.

27       (g) The municipality shall account for the time donated to

1 each account and used from each account. The municipality shall  
2 credit and debit an account on an hour-for-hour basis regardless of  
3 the cash value of the time donated or used.

4 (h) An employee organization may not use for business leave  
5 purposes more than 4,000 hours from its business leave time account  
6 under this section in a calendar year unless the municipality  
7 approves the use of hours in excess of 4,000. This subsection does  
8 not prevent an employee organization from accumulating more than  
9 4,000 hours, but only addresses the total number of donated hours  
10 that an employee organization may use in any calendar year.

11 (i) The use of business leave by a firefighter under this  
12 section is not a break in service for any purpose and is treated as  
13 any other paid leave.

14 SECTION 2. Sections 142.013(b) and (c), Local Government  
15 Code, are amended to read as follows:

16 (b) In this section:

17 (1) "Business leave" means leave taken for the purpose  
18 of attending to the business of an employee organization.

19 (2) "Employee organization" includes:

20 (A) the Texas Peace Officers Association;  
21 (B) the Dallas Police Association;  
22 (C) the Dallas Fraternal Order of Police; ~~and~~  
23 (D) the Latino Peace Officers Association; and  
24 (E) the Black Police Association of Greater  
25 Dallas.

26 (c) If the constitution and bylaws of an employee  
27 organization authorize the employee organization to participate in

1 the establishment and maintenance of a business leave time account  
2 as provided by this section, a [A] police officer may donate not  
3 more than two hours for each month of accumulated vacation or  
4 compensatory time to the business leave time account of the [an]  
5 employee organization. The municipality shall establish and  
6 maintain a business leave time account for each employee  
7 organization.

8       SECTION 3. This Act takes effect immediately if it receives  
9 a vote of two-thirds of all the members elected to each house, as  
10 provided by Section 39, Article III, Texas Constitution. If this  
11 Act does not receive the vote necessary for immediate effect, this  
12 Act takes effect September 1, 2011.

H.B. No. 1057

David Dewhurst

President of the Senate

Joe Straus  
Speaker of the House

I certify that H.B. No. 1057 was passed by the House on April 26, 2011, by the following vote: Yeas 104, Nays 44, 2 present, not voting; and that the House concurred in Senate amendments to H.B. No. 1057 on May 21, 2011, by the following vote: Yeas 138, Nays 2, 2 present, not voting.

Robert Haney  
Chief Clerk of the House

I certify that H.B. No. 1057 was passed by the Senate, with amendments, on May 19, 2011, by the following vote: Yeas 30, Nays 1.

Daisy Law  
Secretary of the Senate

APPROVED: 17 JUN '11

Date

Rick Perry  
Governor

FILED IN THE OFFICE OF THE  
SECRETARY OF STATE  
4:00 pm O'CLOCK

John R. ...  
JUN 17 2011  
Secretary of State